

**Draft**  
**California Question and Answer Sheet on Disclaimers and RS 2477.**  
**February 13, 2003**

**Q.** How many applications for disclaimers on RS 2477 rights-of-way have you received at this time?

**A.** As of February 12, 2003, we have not received any.

**Q.** What is a disclaimer?

**A.** A disclaimer is a type of lands document allowed by FLPMA sec. 315. It allows the Bureau of Land Management to deny interest in land where the United States retains no interest, but other parties think we might. If BLM finds the United States actually has no interest, BLM can issue a document of disclaimer, which acts as a quit claim deed from the United States. They have not been widely known nor used.

**Q.** What do disclaimers have to do with RS 2477 rights-of-way?

**A.** The Department of the Interior recently amended the disclaimer regulations to allow the Bureau of Land Management to disclaim interest in RS2477 rights-of-way.

**Q.** How will that work?

**A.** A governmental entity which wants to claim ownership of an RS-2477 right-of-way can apply for a disclaimer from BLM. If BLM agrees that the right-of-way was constructed under the authority of RS 2477, BLM can issue a disclaimer of interest.

**Q.** What will be the criteria used to decide if a road is an RS 2477 road?

**A.** RS 2477 law relies on each state's precedent law and criteria for roads. In California, we will apply California law to the applications which may come before us.

**Q.** Who will make the decision on the disclaimer applications?

**A.** In California, that decision is delegated to the Chief, Branch of Lands Management in the State Office. All the applications are to be filed at the State Office in Sacramento.

**Q.** Do you expect a large number of applications for this area?

**A.** The disclaimer regulations have a number of requirements which make them expensive and time consuming. It is not known at this time how the counties will fund the processing.

**Q.** Who pays for the processing requirements in the regulations?

**A.** The regulations state the applicant pays for all the actions which BLM takes on the disclaimer applications. The applicant also has the full burden of proof.

**Q.** So the regulations were recently amended to include these new requirements?

**A.** No, these requirements have always been in the regulations because they are in the law. They are the requirements of Congress.

**Q.** Do the prospective applicants know about these requirements?

**A.** Probably not. The regulations strongly urge the applicants to meet with us to discuss the requirements before filing an application to learn about the process.

**Q.** How can I find out what the BLM is doing with disclaimer applications?

**A.** You can track the applications by utilizing BLM's LR 2000 database, available from any computer with internet access. All of our applications are serialized and entered into the computer data base as soon as they are found to be acceptable applications. You can look them up using their casetype, 1864. Using the individual serial numbers, you can look at the serial page for each application, and see the location, the actions taken, and the dates for the actions.

You can also track applications by monitoring the **Federal Register** publications. Each application must be published in the **Federal Register** for a minimum of 90 days before we can issue a disclaimer on it. The **Federal Register** publications can be monitored and viewed at any computer with internet connections.

And of course, all our applications are public records. They can be viewed in the State Office Public Information Room from 8:30 a.m. to 4:30 p.m. each weekday.